

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	<b>NO. 09-CR-210-B</b>
v.	)	
	)	
	)	
JESSE MC GRAW,	)	
Defendant.	)	

**MOTION TO WITHDRAW AS ATTORNEY OF RECORD**  
**FOR DEFENDANT MC GRAW**

COMES NOW attorney for defendant, EDMUNDO ESPINOZA, and herein requests that he be relieved as attorney of record in the above-captioned case and in support thereof counsel attaches a declaration under penalty of perjury and an executed Substitution of Attorneys signed by defendant Jesse McGraw.

In or about February 7, 2013, this counsel filed a petition pursuant to Title 28 United States Code Section 2255 with this Court. However, because this counsel did not have the supporting documentation, i.e. an office case file from former counsel, this counsel requested an extension of 90-day to further amend the petition. This Court denied the petition for lack of subject matter jurisdiction on February 11, 2013.

The reasons for this motion to be relieved are two-fold, (1) defendant McGraw has signed the Substitution of Attorneys and thus he is on notice of counsel's withdrawal as his attorney and thus has consented to it, and (2) this counsel will file a Temporary Restraining Order against defendant, and Leigh Johnson, requesting that they be enjoined from 'hacking', or electronically invading, crashing, or otherwise retrieving personal data, or destroying data from counsel's computers and/or cellular telephones, and/or physically threatening, harassing and/or otherwise

intimidating this counsel with words or deeds. This is more fully explained in counsel's declaration herein attached.

Generally, an attorney does not have to officially ask to be relieved in these matters, however, being that this counsel will seek civil remedies against defendant, then it would be most appropriate to have this counsel relieved as attorney of record, and thus permit this counsel to be conflict-free when filing a civil action against a former client.

Therefore, this counsel moves this Court to relieve him as attorney of record.

Dated: June 27, 2014

/s/ *edmundo espinoza*  
EDMUNDO ESPINOZA, attorney  
for defendant Jesse McGraw  
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Certificate of Service

I certify that on June 27, 2014, I filed the above document with the Clerk of the United States District Court for the Northern District of Texas using this court's electronic case filing system. I also served defendant in this case by mailing a copy of this motion to Jesse McGraw, Register #38690-177, Federal Correctional Institution, FCC Complex (Low), P.O. Box 26020, Beaumont, Texas 77720.

/s/ *edmundo espinoza*  
EDMUNDO ESPINOZA, attorney

Certificate of Conference

I certify that I did not contact the government's attorney in this case to ask if she did or not oppose this motion as I believed the local rule is not to be applicable to this motion.

/s/ *edmundo Espinoza*  
EDMUNDO ESPINOZA, attorney

**DECLARATION BY COUNSEL IN SUPPORT**  
**OF MOTION TO WITHDRAW**

I, EDMUNDO ESPINOZA, declare:

I am an attorney admitted to practice law before the United States District Court for the Northern District of Texas.

I am the attorney of record for defendant Jesse McGraw in this case and also for case number 13-cv-643-B, which was the civil case number that the Clerk of this Court used to identify the petition filed under Title 28 USC Section 2255 on February 7, 2013.

This declarant also represented this defendant in the case of *Jesse McGraw and Paul Marone v Eddie Mejia, Warden, and other FCI Seagoville officials under case number 13-CV-0740-L*, where this declarant was allowed to withdraw on June 18, 2014.

In or about May 28, 2014 and June 2, 2014, this declarant received two letters from Jesse McGraw wherein he accused this attorney of a series of professional misconducts, including cooperating with the AUSA in this case, Candina Heath, to harm his legal interests.

Additionally, Jesse McGraw informed this declarant that he is getting out soon and that he will bring everything at his disposal to destroy and harm this declarant. That he has information against this declarant that he has been able to acquire by obtaining electronic communications between declarant and third parties.

This declarant was contacted by a woman whose name is Leigh Johnson, who this declarant believes socially visits with Jesse McGraw at the Federal Correctional Institution in Beaumont, Texas, requesting that I provide her with copies of all discovery as she was going to assist Jesse McGraw with his court case. This declarant refused. Declarant surmises that this

refusal caused Jesse McGraw to turn against this declarant and to begin to write these threatening letters to declarant.

The tenor of these letters, as perceived by this declarant, is that Jesse McGraw will inflict some type of harm, by words or deeds, to declarant. His anger and words were menacing enough to make this declarant very mentally uncomfortable. This declarant can accept that a client can be upset for a variety of reasons, however, that displeasure by a client should not be displayed by threatening words or disturbed ideation. Considering the reason why his client is in prison, i.e. 'hacking,' then this declarant becomes quite concerned when an individual with superior electronic knowledge could electronically damage this declarant via his computers and telephones, by either destroying or invading private communications.

It is quite obvious that Jesse McGraw is in prison and unable to do what he wishes he could do against this declarant.

However, Leigh Johnson, aka, 'Silvertongue,' a known member of Internet Groups, possibly "Anonymous," or other hacking groups, can assist or be instrumental in Jesse McGraw's machinations against this declarant. This declarant has direct information that Ms. Johnson built a Website specifically designed for Jesse McGraw to communicate with the public at large for a variety of purposes. If so, then Ms. Johnson is communicating with Jesse McGraw in some specific ways.

It is also highly possible that Ms. Leigh Johnson is socially visiting Jesse McGraw at the FCI, Beaumont, Texas, and if so, she could be an outside instrument for him to accomplish tasks that he cannot personally do himself, including interfering with this declarant's private communications and/or other tasks. There are other legal and accepted means by which Jesse McGraw can air his concerns, but these must not be illegal.

It is for these reasons, that this declarant moves this Court to issue an order allowing him to withdraw as attorney for defendant Jesse McGraw.

I declare under penalty of perjury under the laws of the United States that the above is true and correct and that this declaration was executed this June 27, 2014, at Dallas, Texas .

/s/ *edmundo Espinoza*  
EDMUNDO ESPINOZA, declarant